

Exhibit D

Menton, R

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF JEFFERSON

-----X
CITIZENS BANK OF CAPE VINCENT,

Plaintiff,

Index No. 09/1090

-against-

ANSWER

ROY E. MENTON AND MAUREEN A. MENTON,

Defendants.
-----X

Defendants ROY E. MENTON AND MAUREEN A. MENTON, by their attorneys,
SERPE & ASSOCIATES, P.C., as and for their Answer to plaintiff's Summons and Endorsed
Complaint herein, alleges upon information and belief as follows:

COUNT I

1. Defendants deny knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraph "1" of the Complaint.

2. Defendants admit the allegations contained in paragraph "2" of the Complaint.

3. Defendants deny knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraph "3" of the Complaint.

4. Defendants deny knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraph "4" of the Complaint.

5. Defendants deny knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraph "5" of the Complaint.

6. Defendants deny knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraph "6" of the Complaint.

7. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “7” of the Complaint.

8. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “8” of the Complaint.

9. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “9” of the Complaint.

10. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “10” of the Complaint.

11. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “11” of the Complaint.

12. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “12” of the Complaint.

13. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “13” of the Complaint.

14. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “14” of the Complaint.

15. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “15” of the Complaint.

16. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “16” of the Complaint.

17. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “17” of the Complaint.

18. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "18" of the Complaint.

19. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "19" of the Complaint.

COUNT II

20. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "20" of the Complaint

21. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "21" of the Complaint.

22. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "22" of the Complaint.

23. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "23" of the Complaint.

24. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "24" of the Complaint.

AFFIRMATIVE DEFENSES

Defendants ROY E. MENTON AND MAUREEN A. MENTON, for their affirmative defenses, state as follows:

First Defense

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

Second Defense

Plaintiff's Complaint is barred by the statute of limitations.

Third Defense

Plaintiff's Complaint is barred in whole or in part by reason of the equitable defense of unclean hands.

Fourth Defense

Plaintiff's Complaint is barred in whole or in part by the equitable doctrine of estoppel.

Fifth Defense

Plaintiff's Complaint is barred in whole or part by release and waiver.

WHEREFORE, the answering Defendants ROY E. MENTON AND MAUREEN A. MENTON demand judgment dismissing Plaintiff's Complaint and awarding Defendant judgment against the Plaintiff and attorneys fees, together with costs, disbursements and counsel fees incurred in the defense of this action and for such other and further and different relief as this Court may deem just and proper.

Dated: New York, New York
June 5, 2009

SERPE & ASSOCIATES, P.C.

By: _____

Sean C. Serpe, Esq.
Attorneys for Defendant
450 Seventh Avenue, Suite 2601
New York, New York 10123
(212) 725-3600

SERPE & ASSOCIATES, P.C.

ATTORNEYS AT LAW

450 SEVENTH AVENUE, SUITE 2601, NEW YORK, NY 10123

PHONE: (212) 725-3600 | FAX: (212) 660-7439 | WEBSITE: www.seanserpelaw.com

SEAN C. SERPE

(212) 725-3600

E-MAIL: SEAN@SEANSERPELAW.COM

May 18, 2009

VIA FACSIMILE: (585) 325-6201

Paul L. Goldstein
Relin, Goldstein & Crane LLP
28 E. Main Street, Suite 1800
Rochester, NY 14614

Re: Sysco Food Services or Syracuse LLC v. Maureen A. V.
Menton, Roy Menton
Index No.: 16447/08

Dear Sir or Madam:

I represent Mr. and Mrs. Menton in connection with the above-referenced account and all claims of indebtedness. I would like to discuss settlement of this matter.

Please call me with any further questions at (212) 725-3600.

Very truly yours,

Sean C Serpe/lks

Sean C. Serpe

SCS/lks

06/04/2009

12:14 HRABCHAK GEBO & LANGONE P.C.

(FAX) 315 788 6085

P.001/001

Case 10-31635-3-mcr Doc 59-6 Filed 04/25/11 Entered 04/25/11 12:41:50 Desc Exhibit D Page 7 of 14

216 WASHINGTON STREET
SUITE 300
WATERTOWN, NEW YORK 13601
(315) 788-5900
TELECOPIER (315) 788-6085
mgebo@gebolaw.com

ROBERT R. HRABCHAK
(1957-1995)

HRABCHAK, GEBO & LANGONE, P.C.

ATTORNEYS AT LAW

MARK G. GEBO
EUGENE J. LANGONE, JR.

June 4, 2009

U.S. MAIL and FACSIMILE (212) 660-7439

Sean Serpe, Esq.
SERPE & ASSOCIATES
450 7th Ave., Ste. 2601
New York, NY 10123

RE: Citizens Bank of Cape Vincent v Roy and Maureen Menton
Index No. 2009-1090

Dear Mr. Serpe:

As you recall, we have extended your time to answer this until June 5, 2009. In the meantime my client is concerned that the property continues to be dissipated. The bank would like the opportunity to perform an inspection of the property pursuant to the terms of the mortgage. Please advise of a date and time when that inspection can take place. We would like to accomplish it within the next ten (10) business days.

I appreciate your cooperation in this matter.

Very truly yours,
HRABCHAK, GEBO & LANGONE, P.C.


MARK G. GEBO

MGG/rev

June 24, 2009

VIA U.S. MAIL

Mark G. Gebo, Esq.
Hrabchak, Gebo & Langone, P.C.
Attorney for Plaintiff
216 Washington St., Ste. 300
Watertown, New York 13601

Re: Citizens Bank of Cape Vincent v. Roy E. Menton and
Maureen A. Menton
Index No. 09-1090

Dear Mr. Gebo:

Please find enclosed the verification for the answer to the complaint for the above-referenced case.

Should you have any further questions, please do not hesitate to call me at (212) 725-3600.

Very truly yours,

Sean C. Serpe

Encls.

SCS/lks

VERIFICATION

I, Maureen Menton, do hereby affirm that I have reviewed the attached Answer and verify that the statements therein are in fact true or based on my personal knowledge or to the best of my personal knowledge.

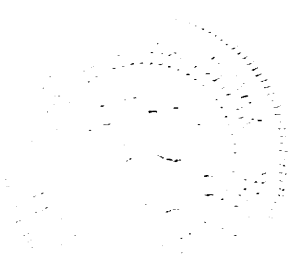
Dated: 6/9/2009

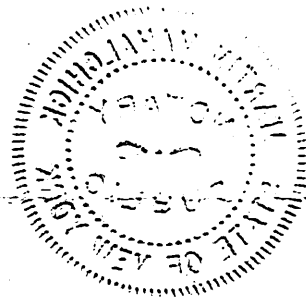

MAUREEN MENTON

Sworn to before me this
9 day of June, 2009.


-Notary Public-

MARTIN J. MAHALOVICH
Notary Public - State of New York
ID No. 01246137033
Qualified in King County
My Commission Expires November 4, 2010





TRANSMISSION VERIFICATION REPORT

TIME : 12/11/2009 17:12
NAME : SERPE & ASSOCIATES
FAX : 2123854600
TEL : 2127253600
SER. # : BROB8J778125

DATE, TIME
FAX NO./NAME
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STANDARD
ECM

SERPE & ASSOCIATES, P.C.

ATTORNEYS AT LAW

450 SEVENTH AVENUE, SUITE 2601, NEW YORK, NY 10123

PHONE: (212) 725-3600 | FAX: (212) 385-4600 | WEBSITE: www.seanserpelaw.com**SEAN C. SERPE**

(212) 725-3600

E-MAIL: SEAN@SEANSERPELAW.COM

December 11, 2009

VIA FACSIMILE: (315) 788-6085

Mark G. Gebo, Esq.
Hrabchak, Gebo & Langone, P.C.
Attorney for Plaintiff
216 Washington St., Ste. 300
Watertown, New York 13601

Re: Citizens Bank of Cape Vincent v. Roy E. Menton and
Maureen A. Menton
Index No. 09-1090

Dear Mr. Gebo:

Please be advised that Roy and Maureen Menton filed for bankruptcy today. Attached is a copy of the Notice of Bankruptcy Case Filing.

SERPE & ASSOCIATES, P.C.

ATTORNEYS AT LAW

450 SEVENTH AVENUE, SUITE 2601, NEW YORK, NY 10123

PHONE: (212) 725-3600 | FAX: (212) 385-4600 | WEBSITE: www.seanserpelaw.com

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December 11, 2009

VIA FACSIMILE: (315) 788-6085

Mark G. Gebo, Esq.
Hrabchak, Gebo & Langone, P.C.
Attorney for Plaintiff
216 Washington St., Ste. 300
Watertown, New York 13601

Re: Citizens Bank of Cape Vincent v. Roy E. Menton and
Maureen A. Menton
Index No. 09-1090

Dear Mr. Gebo:

Please be advised that Roy and Maureen Menton filed for bankruptcy today. Attached is a copy of the Notice of Bankruptcy Case Filing.

Please call me with any further questions at (212) 725-3600.

Very truly yours,

Sean C Serpe /lks

Sean C. Serpe

SCS/lks

United States Bankruptcy Court
Northern District of New York

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 12/11/2009 at 11:03 AM and filed on 12/11/2009.



Roy Menton

27390 County Route 57
Three Mile Bay, NY 13693
SSN / ITIN: xxx-xx-0522

Maureen Menton

27390 County Route 57
Three Mile Bay, NY 13693
SSN / ITIN: xxx-xx-9041

The case was filed by the debtor's attorney: The bankruptcy trustee is:

Sean C. Serpe

Serpe & Associates, P.C.
3 Columbia Place
Suite A
New York, NY 10123
888 443 6388

Mark W. Swimelar

250 South Clinton Street
Suite 203
Syracuse, NY 13202
(315) 471-1499

The case was assigned case number 09-33356-5-mcr to Judge Margaret M. Cangilos-Ruiz.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://156.121.56.10/> or at the Clerk's Office, James M. Hanley Federal Building, 100 South Clinton Street, Room 315, P.O. Box 7008, Syracuse, NY 13261-7008.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Richard G. Zeh, Sr.
Clerk, U.S. Bankruptcy
Court

SERPE & ASSOCIATES, P.C.

ATTORNEYS AT LAW

450 SEVENTH AVENUE, SUITE 2601, NEW YORK, NY 10123

PHONE: (212) 725-3600 | FAX: (212) 660-7439 | WEBSITE: www.seanserpelaw.com

SEAN C. SERPE

(212) 725-3600

E-MAIL: SEAN@SEANSERPELAW.COM

May 18, 2009

VIA FACSIMILE: (315) 786-2721

Jefferson County Sheriff's Office
753 Waterman Drive
Watertown, NY 13601

Re: Sysco Food Services or Syracuse LLC v. Maureen A. V.
Menton, Roy Menton
Account: 09-0000482

Dear Sir or Madam:

I represent Mr. and Mrs. Menton in connection with the above-referenced account and all claims of indebtedness. I would like to discuss settlement of this matter.

Please call me with any further questions at (212) 725-3600.

Very truly yours,

Sean C. Serpe

SCS/lks